

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CRAIG ISAACS, *et al.*,

Plaintiffs,

v.

CHARTIS SPECIALTY INSURANCE
COMPANY,

Defendant.

Case No. 12-cv-381-L(BGS)

**ORDER DENYING PLAINTIFFS’
EX PARTE MOTION TO LIFT STAY
[DOC. 14]**

_____ Pending before the Court is Plaintiffs Craig Isaacs and Nexus Wealth Management, Inc.’s *ex parte* motion to lift the stay imposed on this case. Specifically, Plaintiffs request that the Court lift the stay as of January 4, 2013, which marks the end of the contractually required 120-day period before judicial proceedings may commence in the event of mediation. (*Ex Parte* Mot. 3:5–22.) The Court imposed the stay after the parties jointly requested it so that they could proceed to non-binding mediation.

There is a “well established” principle that “[d]istrict courts have inherent power to control their dockets.” *Atchison, Topeka & Santa Fe Ry. Co. v. Hercules Inc.*, 146 F.3d 1071, 1074 (9th Cir. 1998) (alteration in original) (internal quotation marks omitted). Here, Plaintiffs’ request is currently premature. The fact that Plaintiffs request that the stay be lifted one month

1 in advance when they are entitled to commence judicial proceedings demonstrates this.
 2 Furthermore, Plaintiffs' request places an unnecessary burden on the Court. Thus, under the
 3 district court's inherent power to control its docket, the Court **DENIES** Plaintiffs' *ex parte*
 4 motion. *See Atchison*, 146 F.3d at 1074.

5 Alternatively, this Court's Standing Order for Civil Cases states that


6 Before filing an *ex parte* application, the parties must meet and confer
 7 in an attempt to resolve the issue. If the parties are unable to resolve it,
 8 the applicant shall attach a declaration documenting the meet and
 9 confer efforts and explain the reason for failure to reach a resolution,
 10 or explain why a meeting and conference is not appropriate in the
 11 context of the request.

12 Plaintiffs fail to provide a declaration documenting any meet-and-confer efforts, an explanation
 13 of the reason for the failure to reach a resolution, or an explanation of why a meeting and
 14 conference is not appropriate in this context. (*See Tremblay Decl.* ¶¶ 1–5.) Thus, this *ex parte*
 15 motion is not in compliance with this Court's Standing Order for Civil Cases regarding *Ex Parte*
 16 Applications.

17 In light of the foregoing, the Court **DENIES** Plaintiffs' *ex parte* motion to lift the stay
 18 imposed on this case. (Doc. 14.) Plaintiffs may re-file this request once they are ready to
 19 request that the stay be lifted immediately at the time they re-file, presumably on or after January
 20 4, 2013. Furthermore, if Plaintiffs choose to file another *ex parte* request, they must also comply
 21 with this Court's Standing Order for Civil Cases.

22 **IT IS SO ORDERED.**

23 DATED: December 7, 2012

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 25 M. James Lorenz
 26 United States District Court Judge
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